

REGISTRY: Brisbane
NUMBER: 004/05

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: ANTHONY WAYNE HICKEY

ORDER

Before: Mr P Cooper (Chairperson), Mr W LeMass (Practitioner Member) and Ms P Frampton (Lay Member)

Date: 4 June 2007

Basis of Judgement: Originating application filed on 29 March 2005

THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:

The respondent is a 54-year-old solicitor and was admitted to practise as a solicitor by the Supreme Court of Queensland on 14 October 1975. There is one charge brought against the respondent relating to the respondent's failure to lodge an auditor's report by 31 May for the years 2004 and 2005, in accordance with section 16(1) of the Trust Accounts Act, and the failure to lodge an audit certificate for those financial periods in accordance with section 3 of the Legal Practitioners Regulations 1996 by 14 June of each year. There has been filed a statement of agreed facts in which the respondent acknowledges his failure to lodge the audit report and audit certificate for the financial periods ending 31 March 2004 and 31 March 2005.

The Committee finds the charge proved and the respondent's conduct amounts to unsatisfactory professional conduct in terms of section 244.

In determining what penalty should be imposed, the Committee has taken into account, the following:

- (a) The respondent has no previous findings by a disciplinary body.

ORDER
Filed on behalf of the Applicant
Form 59rr661

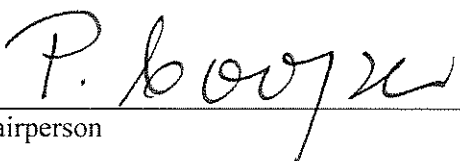
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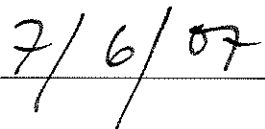
LEGAL PRACTICE COMMITTEE OF QUEENSLAND

- (b) The respondent indicated to the Commission at an early stage that he would not be contesting the application.
- (c) Against the respondent is the fact that the respondent failed to lodge his audit report and certificate for two consecutive years and they remain unfiled as of today. The Committee is concerned in relation to this and to whether or not the certificates and audit report will, in fact, ever be filed.

Following are the findings and orders of the Committee:

- (1) The Committee grants leave to the applicant to amend the particulars of charge as detailed in exhibit 1.
- (2) The Committee finds the charge proved and the failure of the respondent to lodge his audit report and audit certificate for the financial periods ending 31 March 2004 and 31 March 2005 amounts to unsatisfactory professional conduct.
- (3) The Committee finds the respondent guilty of unsatisfactory professional conduct.
- (4) The Committee orders that, prior to the respondent applying for a principal's certificate, the respondent must first have filed with the Queensland Law Society, his audit report and certificate for the years ending 31 March 2004 and 31 March 2005.
- (5) The Committee further orders that notice of this order be given by the Commission to the Queensland Law Society.
- (6) The Committee publicly reprimands the respondent, which is hereby administered.
- (7) The Committee orders the respondent to pay by way of penalty to the Legal Practitioners Interest on Trust Account the sum of \$2000 by 4 July 2007.
- (8) The Committee orders the respondent to pay the applicant's cost as agreed at \$750 by 4 July 2007.


Chairperson


Date

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